

From: ancient7qwest
To: Microsoft ATR
Date: 1/1/02 10:22pm
Subject: Missing the boat

To Whom it may concern,

I am a computer professional and have been in the field since the early 80's. I am president of a small company that does computer manufacture and repair in Tucson AZ.

1. I do not understand why the scope of the suit against Microsoft is so limited. They are still embedding their browser in their OS's, not offering "Radio Button" choices during install as is offered for other components. Please hear this next concept, if you own an MS OS and want to see what security patches, updates, or upgrades are available on the OS upgrade site, you are told to come back when you are running Internet Explorer. It pointedly denies critical patches and updates to users of other browsers, i.e. Netscape or Opera. Is this not an embodiment of anti competitive practice?

2. The Microsoft corporation has been using the FBI as an enforcement arm to exempt itself the effects of supply and demand. They have re-defined the concept of software piracy. It is not just making illegal copies and selling them. MS considers original, authentic software with the hologram, etc. to be counterfeit if they are purchased from anyone but an authorized distributor.

Example 1: The Compaq/HP merger goes through and the new entity has 20 thousand copies of Windows ME with an HP logo on it. They prefer not to distribute it with their product and resell it to a broker who sells it to small system builders at a substantial cost savings. When the builder installs the os on a system, Microsoft considers that piracy and declares those once authentic, legal copies to be counterfeit. This used to be called gray marketing, now it is criminal.

Example 2: Small company goes out of business and an auction is held. Someone buys all the software the company had, including Microsoft products. If he distributes these legally purchased products to dealers or end users, yup piracy and counterfeiting.

Buying an OS should be like buying a car, replacement parts should be available for 10 years. Another parallel to the automotive world that is missing is that manufactured products that are marketed with known defects, that cause damage to people and things of value should be liable to remediation of damages. Personal and Corporate data and production impacted by flaws in operating systems have value based on cost of input, availability of replacement, and the guilty manufacturer should be subject to punitive damages.

I have other gripes about MicroSoft's business practices and products and again state that the severe limit of scope of the work done by the DOJ almost smacks of collusion, hopefully ignorance, but I can not understand what kind of investigation could miss such basic problems in a system. To Date, every major release of an operationg system by

Microsoft has been followed by patches, updates and indicat premature release to meet or attempt to meet target dates. Available for additional discussion,

Cliff Levy
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